IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2653 OF 2005

Sayeed Jamaluddin Shaikh ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Pratap N.G. Shukla, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

26th April 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Indeed, the offence is serious one punishable under section 307 of the Indian Penal Code. There is also evidence on record to indicate that the Applicant caused blows on the person of the injured witness. In all, three injuries have been suffered by the injured witness. However, what is relevant to note is

that the incident took place on the spur of the moment. The Applicant may have over-reacted to the situation. The fact that the Applicant used a small knife (which is perhaps a nail-cutter knife) and there are no antecedents against the Applicant; and as the learned A.P.P. on instructions states that the investigation is complete and charge sheet will be filed in a day or two; and also considering tender age of the Applicant, the Applicant deserves to be released on bail, but on strict conditions as follows.

(A) The Applicant is enlarged on bail in connection with CR.No.72 of 2005 registered with MIDC Police Station, Mumbai, on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall report to the concerned Police Station once in a month on first Saturday of every English calendar month between 10 a.m. to 1 p.m. This condition is required to be imposed to ensure that the matter is not precipitated at the instance of the Applicant and the witness is residing in the same locality.

(D) The Applicant be released initially on cash bail to be replaced by appropriate surety within ten days from the date of release.

(E) The Applicant shall co-operate for the purpose of early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible for causing delay in disposal of the trial, that opinion be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above

terms.

(A.M.KHANWILKAR,J.)